

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAYMOND HAROLD BUTTE,  
Petitioner,

No. C 11-00369 CW (PR)  
ORDER OF TRANSFER

v.

K. ALLISON, Warden,  
Respondent.

Petitioner, a state prisoner, has filed a pro se petition for a writ of habeas corpus. He has paid the filing fee.

A federal statute allows "the Supreme Court, any justice thereof, the district courts and any circuit judge" to grant writs of habeas corpus "within their respective jurisdictions." 28 U.S.C. § 2241(a). A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. Id. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. See id. Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

1 Here, Petitioner challenges a conviction and sentence incurred  
2 in Shasta County Superior Court, which is in the venue of the  
3 Eastern District of California. See 28 U.S.C. § 84. Accordingly,  
4 that is the proper venue for this action.

5 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and  
6 in the interest of justice, the Clerk of the Court is ordered to  
7 TRANSFER this action forthwith to the United States District Court  
8 for the Eastern District of California.

9 All remaining motions are TERMINATED on this Court's docket as  
10 no longer pending in this district.

11 IT IS SO ORDERED.

12 Dated: 2/18/2011



CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

RAYMOND HAROLD BUTTE,

Plaintiff,

v.

K. ALLISON et al,

Defendant.

Case Number: CV11-00369 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 18, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Raymond Harold Butte T-56045  
CSATF State Prison Corcoran II  
P.O. Box 7100  
G-3 104-W  
Corcoran, CA 93212-7100

Dated: February 18, 2011

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk

United States District Court  
For the Northern District of California